UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/997,464	12/23/97	STERN	D 54202/JPW/SB

HM12/0510

JOHN P WHITE
COOPER & DURHAM
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

EXAMINER	
KERR, J	
ART UNIT	**PAPER NUMBER**
1633	15

DATE MAILED: 05/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action

Application No.	Applicant(s)
08/997,464	Stern et al.
Examiner	**Art Unit**
Janet M. Kerr	1633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED *Apr 9, 2001* FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for the reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on *Apr 9, 2001*. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.

3. ☒ The proposed amendment(s) will not be entered because:

   (a) ☒ they raise new issues that would require further consideration and/or search. (See NOTE below);

   (b) ☐ they raise the issue of new matter. (See NOTE below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

   NOTE: *see attached.*

4. ☒ Applicant's reply has overcome the following rejection(s):
   see attached.

5. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claim(s).

6. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because:
   see attached.

7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

8. ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):

   Claim(s) allowed: *none*

   Claim(s) objected to: *none*

   Claim(s) rejected: *1-5, 11, 12, and 34-37*

9. ☐ The proposed drawing correction filed on _____ a) ☐ has b) ☐ has not been approved by the Examiner

10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

11. ☐ Other:

Deborah Clark
DEBORAH J. R. CLARK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

Response to Arguments

The amendment submitted after final has not been entered as it raises new issues that would require further search and consideration. For example, inclusion of the limitation that the cell "overexpresses" a receptor for RAGE and a mutant presenilin-2 protein, in claim 1, raises new issues which would require further search and consideration. Similarly, inclusion of the limitation that the pharmaceutical composition inhibits neurotoxicity "by inhibiting interaction between receptor for advanced glycation endproduct and mutant presenilin-2" raises new issues which would require further search and consideration.

With regard to the 35 U.S.C. 112, second paragraph rejections, applicants' arguments with respect to claims 1, 36, and 37 are moot as the arguments are directed to the newly amended claims which have not been entered. With regard to claim 4, applicants arguments, and the teachings of the references supplied as Exhibits 4 and 5, have been carefully considered and are deemed persuasive. The rejection of claim 4 under 35 U.S.C. 112, second paragraph has been withdrawn.

With regard to the 35 U.S.C. 112, first paragraph rejection, applicants arguments with respect to peptidomimetic compounds and solid supports, and the teachings of the references supplied as Exhibits 4, 5, and 10-12 have been carefully considered with respect to claims 3 and 4 and are deemed persuasive. The rejection of claims 3 and 4 under 35 U.S.C. 112, first paragraph has been withdrawn. Applicants' arguments with respect to claims 11 and 12 have been carefully considered but are not deemed persuasive. It is argued that the specification is enabling for providing the claimed pharmaceutical composition *in vivo* as a transgenic mouse which has been engineered with a DNA construct encoding RAGE and a mutant PS-2 can be made by routine methods and used as a model for administering the test compound (see page 19 of applicants' Response). With regard to the transgenic mouse models, it is argued that transgenic mouse models of Alzheimer's Disease were established in the art as of December, 1997, several of which express mutant forms of presenilins, or which co-express human presenilin and amyloid beta-protein precursor genes. References describing the transgenic mice have been supplied as

Exhibits 6-9). Applicants' arguments have been considered but are not persuasive. While the prior art teaches transgenic mouse models engineered to display a phenotype associated with Alzheimer's Disease, as taught in the references provided in the Exhibits, and while it is known in the art to use transgenic mouse models in testing pharmaceutical compounds, claims 11 and 12 are directed to a pharmaceutical composition, not a method of testing a pharmaceutical composition. As stated in the previous Office actions, the specification does not disclose compounds encompassed by the claimed pharmaceutical compositions which inhibit neurotoxicity, and further, the state of the art at the time of filing teaches that providing a pharmaceutical composition for treating neurological disorders is neither routine nor predictable (see, e.g., page 6 of the Office action of 10/4/00, Paper No. 11, and pages 5-7 of the Office action of 1/3/00, Paper No. 9).

With regard to the rejection of claims 11 and 12 under 35 U.S.C. 102(b), applicants' arguments are moot as the arguments are directed to the newly amended claims which have not been entered.

With regard to the rejection of claims 1-5, 11, 12, and 34-37 under 35 U.S.C. 103(a), applicants' arguments are moot as the arguments are directed to the newly amended claims which have not been entered.

No claims are allowed for the reasons of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Kerr whose telephone number is (703) 305-4055. Should the examiner be unavailable, inquiries should be directed to Deborah Clark, Supervisory Primary Examiner of Art Unit 1633, at (703) 305-4051. Any administrative or procedural questions should be directed to Kimberly Davis, Patent Analyst, at (703) 305-3015. Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to

Group 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center number is (703) 305-7401.

Janet M. Kerr, Ph.D.
Patent Examiner
Group 1600